

29. (No Change) The computer readable medium of claim 25, wherein identifying is achieved by matching one or more words in a event description from the EPG content database to the user-specified theme.

30. (Canceled)

31. (Canceled)

32. (Canceled)

33. (Canceled)

### **REMARKS**

Applicant has carefully reviewed and considered the final Office Action mailed on April 10, 2001, and the references cited therewith.

Claims 30-33 are canceled without prejudice or disclaimer. Claims 1-12 and 19-29 remain pending in this application. Applicant traverses the rejection of claims 1-12 and 19-29 and requests reconsideration of claims 1-12 and 19-29.

The specification was amended to add information about the related applications. No new matter has been added.

### ***Claims Patentable under §103***

Claims 1-12 and 19-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Klosterman et al. (U.S. 6,078,348) in view of Alten et al. (U.S. 5,781,246).

Claims 30-33 are canceled. Therefore, claims 1-12 and 19-29 will be addressed.

A *prima facie* case of obviousness has not been established for claims 1-12 and 19-29. To establish a *prima facie* case of obviousness, the references must teach or suggest all the claim elements. MPEP §2143. The combination Klosterman/Alten does not teach or suggest: (1) directly including channels associated with a theme in a favorite channel list or (2) storing channels associated with a theme in a favorite channel list, as recited in the claims. Therefore, claims 1-12 and 19-29 are patentable over Klosterman/Alten under §103.

Claim 1-7 recite "one or more favorite channel lists, the favorite channel lists comprising one or more logical channels relating to the user specified theme . . . and a favorites database for

storing one or more favorite channel lists.” Klosterman/Alten does not teach directly including channels associated with a theme in a favorite channel list or storing channels associated with a theme in a favorite channel list, as recited in claims 1-7. Klosterman is directed to searching a database for a theme input by the user and displaying the search results on a screen or tuning to the channels as they are found. (Klosterman, col. 11, lines 1-9). Unlike the claimed invention which directly includes channels associated with a theme in a favorite channel list and stores the channels associated with a theme in a favorite channel list, Klosterman discloses a favorites list and themes but they are described as two separate features (Klosterman, col. 7 lines 11-28 and col. 7 line 29 to col. 8 line 18). Alten is directed to “categorical entries” included as a name of a category in a favorite channel list (Alten, Figure 8, element 83, col. 26 lines 34-37). As shown in Figure 8, the name of the category is included in the list, not the associated logical channels. The logical channels are not listed in the favorite list; they are later tuned in sequence upon user selection of the category name from the list (Alten, col. 26 lines 37-44).

The combination of Klosterman/Alten does not teach or suggest claims 1-7. The claimed invention includes the logical channels associated with the user specified theme directly in the favorite channel list. This provides advantages over previous systems. Having the channels directly in the list gives the user more control. For example, once the user sees the channels included based on the theme, the user may decide to delete an undesirable channel. Alten’s favorite list only permits deleting the whole category, because it is unknown what logical channels are associated with the category (Alten, Figure 8, element 83). Also, the user does not have to sit through the display of each channel in sequence that matches the theme, which could be quite lengthy (Klosterman, col. 11 lines 6-8; Alten col. 26 lines 36-44). If it were in fact obvious, given the advantages of directly including the channels in the favorites list and storing them there, those skilled in the art would have implemented it by now. In other words, the fact that those skilled in the art have not implemented this element, despite its advantages, indicates that it is not obvious.

Claims 8-12 and 19-29 also recite elements not taught or suggested by Klosterman/Alten. Claims 8-12 recite “one or more favorite channel lists, the favorite channel lists comprising one or more logical channels relating to a user specified theme.” Claim 11 further recites “a favorites database for storing one or more favorite channel lists.” Claims 19-23 recite “identifying one or

more channels showing an event of a user specified theme . . . and including each one of the channels in a favorite channel list." Claim 24 recites "identifying one or more channels showing an event of a user specified theme and including each one of the channels in a favorite channel list." Claims 25-29 recite "identifying one or more channels showing an event of a user specified theme, . . . and including each one of the channels in a favorite channel list." For the reasons discussed above with respect to claims 1-7, the combination Klosterman/Alten does not teach or suggest directly including channels associated with a theme in a favorite channel list. Accordingly, claims 8-12 and 19-29 are patentable over Klosterman/Alten.

### *Conclusion*

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-373-6954) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-0439.

Respectfully submitted,

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